

AO 245D

(Rev. 3/01) Judgment in a Criminal Case for Revocations

Sheet 1

UNITED STATES DISTRICT COURT

FILED

SOUTHERN

District of

2008 SEP -3 AM 10:20
CALIFORNIA

UNITED STATES OF AMERICA

v.

EVELYN HERRERA

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Supervised Release)

(For Offenses Committed On or After November 1, 1984)

Case Number: 08CR0468-BTM

KERRY ARMSTRONG

Defendant's Attorney

REGISTRATION No. 07121298

X admitted guilt to violation of allegation(s) No. 1-5

was found in violation of allegation(s) No. after denial of guilt.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following allegation(s):

Allegation Number

1-5

Nature of Violation

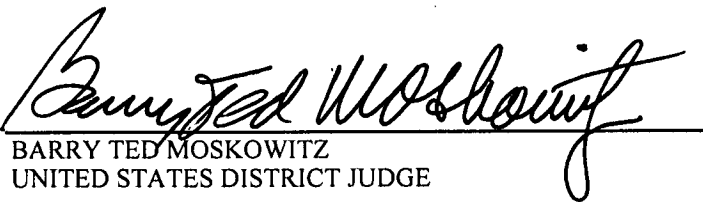
Unlawful use of controlled substance

Supervised Release is revoked and the defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

August 29, 2008

Date of Imposition of Sentence



BARRY TED MOSKOWITZ
UNITED STATES DISTRICT JUDGE

Entered Date:

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Sheet 2 — Imprisonment

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DEFENDANT: EVELYN HERRERA
CASE NUMBER: 08CR0468-BTM

IMPRISONMENT

X The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of TWO (2) MONTHS.


BARRY TED MOSKOWITZ
UNITED STATES DISTRICT JUDGE

- ☐ The court recommends to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: EVELYN HERRERA
CASE NUMBER: 08CR0468-BTM

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THIRTY-FOUR (34) MONTHS.

MANDATORY CONDITIONS

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons unless removed from the United States.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall cooperate as directed in the collection of a DNA sample, pursuant to 18 USC 3583(d).

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, but not more than 4 times per month, unless defendant is removed from the United States.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: EVELYN HERRERA
CASE NUMBER: 08CR0468-BTM

SPECIAL CONDITIONS OF SUPERVISION

- X Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer.
- X Not possess firearms, explosive devices, or other dangerous weapons.
- X Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- _____ If deported, excluded, or allowed to voluntarily leave the United States, obey all laws federal, state and local and not reenter the United States illegally and report to the probation officer within 72 hours of any reentry to the United States; the other conditions of supervision are suspended while the defendant is out of the United States after deportation, exclusion, or voluntary departure.
- X Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- X Participate in a program of drug or alcohol abuse treatment including testing and counseling, with at least 1 to 8 tests per month and 1 to 8 counseling sessions per month as directed by the probation officer.
- _____ Provide complete disclosure of all personal and business financial records to the probation officer when requested.
- _____ Resolve all outstanding warrants within sixty (60) days of release from custody.
- X Participate in a program of mental health treatment as directed by the probation officer. The Court authorizes the release of the pre-sentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant shall consent to the release of evaluations and treatment information to the probation officer and the Court by the mental health provider.
- X Not associate with known alien smugglers.
- X Not associate with known drug traffickers or users.
- X Not enter Mexico without the written permission of the probation officer.
- x Complete 160 hours of community service in a program approved by the Probation Officer within 18 months.
- X Reside in a Residential Reentry Center for a period of 60 days commencing upon release. This condition terminates with entry into a residential drug treatment program.
- X Maintain full time employment or education or a combination of both.
- X Cooperate as directed in the collection of a DNA sample.
- x Obtain G.E.D. by end of 2008.